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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JAMES BIERMAN,

12 Plaintiff,

13 v.

14 DONNY YOUNGBLOOD, et al.,

15 Defendants.
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Case No. 1:21-cv-00060-BAK-SAB (PC)

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE

(ECF No. 12)

17 Plaintiff Michael J. Velasquez, a state prisoner proceeding *pro se* and *in forma pauperis*,
18 filed this civil rights action under to 42 U.S.C. § 1983. On January 28, 2022, Plaintiff filed a
19 notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.
20 (See ECF No. 12.)

21 Under Rule 41(a)(1), a “plaintiff may dismiss an action without a court order by filing . . .
22 a notice of dismissal before the opposing party serves either an answer or a motion for summary
23 judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i); accord Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir.
24 1993). Upon filing of the notice, the dismissal is effective automatically; no order of the court is
25 necessary to effectuate dismissal. Comm. Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1078

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1 (9th Cir. 1999). At that point, the district court loses its jurisdiction over the action. (*Id.*) In this
2 case, no defendant has filed an answer or other responsive pleading.

3 Accordingly, the Clerk of Court is HEREBY ORDERED to CLOSE this case.

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5 IT IS SO ORDERED.

6 Dated: **January 31, 2022**


UNITED STATES MAGISTRATE JUDGE